

F I L E D

SEP 05 2001

Phil Lombardi, Clerk
U.S. DISTRICT COURT**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA****UNITED STATES OF AMERICA,****Plaintiff,****v.****JIM D. SHOFNER,****Defendant.****No. 01-CR-050-001-C****UNITED STATES' RESPONSE TO
DEFENDANT'S SENTENCING MEMORANDUM**

The United States has reviewed defendant JIM D. SHOFNER's sentencing memorandum and acknowledges that, almost as soon as defendant SHOFNER became aware that he had become a target of the grand jury investigation concerning the bankruptcy case filed on behalf of Barbara Jean Tillman, defendant SHOFNER initiated plea discussions that were quickly reduced to a plea agreement, thereby allowing this Honorable Court and the United States to conserve their respective resources. Other matters raised in defendant SHOFNER's sentencing memorandum may also be well-taken by the Court. Yet defendant SHOFNER's Sentencing Guidelines computation is two levels higher than coconspirator Tillman's, because defendant SHOFNER "used special legal skills to commit [the] offense" (Presentence Investigation Report 9). Thus, defendant SHOFNER's sentence should be appropriately "more harsh than," and should "exceed," coconspirator Tillman's (Defendant's Sentencing Memorandum 9). Nevertheless, the United States did not oppose the two

-level downward departure sought by (and awarded by the Court to) coconspirator Tillman, and the United States does not oppose defendant SHOFNER's motion for downward departure to the extent of two levels. Of course, the extent of any departure is committed to the sound discretion of the Court.

Respectfully submitted,

THOMAS SCOTT WOODWARD
United States Attorney

A handwritten signature in black ink, appearing to read "S. Putney", is written over a horizontal line.

Scott W. Putney
Assistant United States Attorney

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing response is being served this 5th day of September 2001 on:

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(by U.S. Mail)
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and

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Scott W. Putney